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10 Attorneys for Defendant and Counterclaimant
LIBERTY MUTUAL FIRE INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 LARGO CONCRETE, INC., a California
14 Corporation; N.M.N. CONSTRUCTION,
INC., a California Corporation,

15 Plaintiffs,

16 v.

17 LIBERTY MUTUAL FIRE INSURANCE
18 COMPANY, a Massachusetts Corporation,
and DOES 1 through 100, inclusive.

19 Defendants.

20
21 AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer
[Complaint Filed: September 10, 2007]

**DECLARATION OF HECTOR BARBA
FILED IN SUPPORT OF LIBERTY
MUTUAL FIRE INSURANCE
COMPANY'S REPLY BRIEF**

Date: December 21, 2007
Time: 10:00 a.m.
Place: Courtroom 8

DECLARATION OF HECTOR BARBA

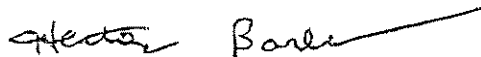
I, Hector Barba, declare as follows:

1. I am employed as a Senior Claims Consultant for Liberty Mutual Insurance Company ("LMIC"). The facts set forth below are based upon my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. From January 7, 2002 through February 18, 2004, I was one of the claims adjusters at LMIC responsible for adjusting Donald Robinson's workers' compensation claim against his employer, and then LMIC insured, Tony's Fine Foods. LMIC accepted Mr. Robinson's claim, but the extent of his injury was litigated before the California Workers' Compensation Appeals Board ("WCAB"). As a result, LMIC retained defense attorneys Kenneth Martinson, Melissa Matovich and Daniel Hunt to represent and defend LMIC in the WCAB proceedings relating to Mr. Robinson's workers' compensation claim for benefits. I considered my communications and writings with Messrs. Martinson and Hunt, and Ms. Matovich regarding Mr. Robinson's claim to be confidential and have not disclosed, nor authorized the disclosure of, the substance of those confidential communications to any person outside of Liberty Mutual and its attorneys.

I declare under penalty of perjury, pursuant to the laws of the United States of America, that the foregoing is true and correct.

Executed this 10th day of December 2007 at Orange, California.


HECTOR BARBA